

AMENDED IN ASSEMBLY MARCH 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 221

Introduced by Assembly Member Wildman
(Coauthors: Assembly Members Florez, Havice, and Pescetti)
(Coauthor: Senator O'Connell)

January 26, 1999

An act to ~~add Section 247.6 to~~ amend Section 417.25 of, and to add Section 417.26 to, the Penal Code, relating to lasers.

LEGISLATIVE COUNSEL'S DIGEST

AB 221, as amended, Wildman. Lasers: obstructing a peace officer.

~~Under existing law, any person who willfully and maliciously discharges a laser at an aircraft is guilty of a misdemeanor or felony, punishable by specified terms of imprisonment.~~

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope, as defined, that projects a colored target on a person in a threatening manner against that person with specific intent to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill would include a laser pointer in this provision and further provide that any person who aims or points a laser, as defined, scope or laser pointer at a peace officer for the

purpose of intimidating, harrassing, or distracting the officer is guilty of a misdemeanor and shall serve a mandatory in-custody term not exceeding 6 months. The bill additionally would provide that any person who commits a 2nd or subsequent violation of ~~this~~ *either* offense is guilty of a misdemeanor or a felony. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 247.6 is added to the Penal Code,~~
2 ~~to read:~~

3 ~~247.6.—~~

4 *SECTION 1. Section 417.25 of the Penal Code is*
5 *amended to read:*

6 417.25. (a) Every person who, except in self-defense,
7 knowingly draws or exhibits a laser scope, as defined in
8 subdivision (b), *or a laser pointer, as defined in*
9 *subdivision (c)* that projects a colored target on a person
10 in a threatening manner against that person with the
11 specific intent to cause a reasonable person apprehension
12 or fear of bodily harm is guilty of a misdemeanor,
13 punishable by imprisonment in a county jail for up to 30
14 days. For purposes of this section, the laser scope need not
15 be attached to a firearm.

16 (b) As used in this section, “laser scope” means a
17 portable battery-powered device capable of being
18 attached to a firearm and capable of projecting a laser
19 light on objects at a distance.

20 (c) *As used in this section, “laser pointer” means any*
21 *hand held laser beam devise or demonstration laser*
22 *product.*



1 SEC. 2. Section 417.26 is added to the Penal Code, to
2 read:

3 417.26. (a) Any person who aims or points a laser, as
4 defined in Section 247.5 laser scope as defined in
5 subdivision (b) of Section 417.25, or a laser pointer, as
6 defined in subdivision (c) of that section, at a peace
7 officer for the purpose of intimidating, harrassing, or
8 distracting the officer is guilty of a misdemeanor and shall
9 serve a mandatory in-custody term not exceeding six
10 months.

11 (b) Any person who commits a second or subsequent
12 violation of subdivision (a) shall be punished by
13 imprisonment in a county jail for not more than one year
14 or by imprisonment in the state prison for 16 months or
15 two or three years.

16 ~~SEC. 2.~~

17 SEC. 3. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs that may be incurred
20 by a local agency or school district will be incurred
21 because this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition
25 of a crime within the meaning of Section 6 of Article
26 XIII B of the California Constitution.

27 ~~Notwithstanding Section 17580 of the Government~~
28 ~~Code, unless otherwise specified, the provisions of this act~~
29 ~~shall become operative on the same date that the act~~
30 ~~takes effect pursuant to the California Constitution.~~

